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EXAMINER	
JEAN GILLES, JUDE	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,010	ANSCHUTZ ET AL.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 02 February, 2005.

Response to Amendment

1. This action is responsive to the application filed on February 02nd, 2005. Claims 1, 2, 5-7, 12-17, and 19-25 were amended. Claim 26 is newly added. Claim 18 has been cancelled. Claims 1-17 and 19-26 are pending. Claims 1-17 and 19-26 represent a method and apparatus for "providing network and Services access independent of an Internet Service Provider."

Response to Arguments

2. Applicant's arguments with respect to independent claims 1, 12, 15, 20, 22, and 26 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method wherein the IP service is available within the access provider and an IP enabled device connected to the access provider network via a network access device and being capable of communicating with the ISP via the access provider network access device)to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-17, 19, 22-25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schmuelling et al (U.S. *Patent No.* 6,603,758 B1) in view of Akhtar et al(Akhtar) U.S. *Patent No.* 6,769,000 B1)

Regarding **claim 1:** Schmuelling-Akhtar discloses a system for providing an internet protocol IP address to an IP enabled device, the IP address allowing the IP enabled device to obtain IP services available within the access provider network independent of an internet service provider (ISP) (*fig. 3; column 3, lines 35-65*), comprising:

an internet access provider network (*fig. 1, item 109*);

the IP enabled device connected to the access provider network via a network access device and being capable of communicating with the ISP via the access provider network and network access device (*fig. 1, items 102-103, 105, 109, 116-120, and 132; column 2, lines 40-67; column 3, lines 1-35*); and

an IP aware e-center residing in the access provider network comprising a host configuration server (*fig. 3; column 5, lines 14-59*),

However, Schmuelling dodoes not teach in details the host configuration server providing the network access device a first IP address for obtaining IP services available within the access provider network, and the network access device providing the IP enabled device a second IP address for obtaining IP services available within the access provider network independent of the ISP.

In the same field of endeavor, Akhtar teaches a permanent IP address that is associated with his/her home network or the current point attachment and another IP address associated with another home network or an ISP...[see Akhtar, column 21, lines 5-28].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Akhtar's teachings of a method and apparatus to configure a DHCP server to provide a n IP address within an access provider network and another IP address to an IP service independent of an ISP with the teachings of Schmuelling, for the purpose of providing a system that allows cable customers to choose both the cable modem through which they access the Internet and the ISP that will provide them that access..." [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 1** is rejected.

Regarding **claim 2**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the IP enabled device comprises an IP telephone, the access provider network further comprises a telephone network gateway and the e-center further comprises a call agent for coordinating operations of the IP telephone and telephone network Gateway [*see Akhtar, column 10, lines 45-67; fig. 4A-B, items 420, 433-434*].

The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 2 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the IP enabled device comprises a personal computer [*see Akhtar, column 10, lines 45-67*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 3 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 3** is rejected.

Regarding **claim 4**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the IP enabled device comprises an IP enabled appliance [*see* Schmuelling, *fig. 1, items 102-103; column 2, lines 40-63*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 4 [*see* Schmuelling, , *column 1, lines 35-40*]. By this rationale **claim 4** is rejected.

Regarding **claim 5**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the e-center further comprises a user network management system [*see Akhtar, column 14, lines 31-53; fig. 4, item 452*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 5 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 5** is rejected.

Regarding **claim 6**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the e-center further comprises a streaming media server[*see Akhtar, column 15, lines 9-25*]. The same motivation that was utilized in the combination of

claim 1, applies equally as well to claim 6 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 6** is rejected.

Regarding **claim 7**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the access provider network further comprises a broadband access interface [*see Akhtar, column 37, lines 43-58*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 7 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 7** is rejected.

Regarding **claim 8**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the IP enabled device resides on a local area network (LAN) in communication with the network access device [*see* Schmuelling, *column 2, lines 45-54*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 8 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 8** is rejected.

Regarding **claim 9**, the combination Schmuelling - Akhtar teaches the system of claim 8, wherein the network access device utilizes Network Address Translation (NAT) protocol to provide the second IP address [*see* Akhtar, *column 19, lines 10-20*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 9 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 9** is rejected.

Regarding **claim 10**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the host configuration server comprises a Dynamic Host Configuration Protocol (DHCP) server [*see* Schmuelling, *fig. 2, items 128-103; column 4, lines 53-67].*

The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 10 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 10** is rejected.

Regarding **claim 11**, the combination Schmuelling - Akhtar teaches the system of claim 1, wherein the host configuration server comprises a Remote Authentication Dial In User Service (RADIUS) server [*see* Akhtar, *column 26, lines 32-45*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 11 [*see* Schmuelling, , *column 1, lines 35-40*]. By this rationale **claim 11** is rejected.

Regarding **claim 12**, the combination Schmuelling - Akhtar teaches a method for allowing an Internet Protocol (IP) enabled device to obtain IP services available within an access provider network independent of an Internet Service Provider (ISP) 1*, comprising:

generating a first IP address at an element in an access provider network [*see* Schmuelling, *column 5, lines 36-59*];

sending the first IP address to another element in communication with the access provider network [*see* Schmuelling, *column 1, lines 35-40*];

generating a second IP address at the other element [*see* Schmuelling, *column 5, lines 35-59*]; and

communicating the second IP address to the IP enabled device. the second IP address being in addition to an IP address provided be the ISP and allowing the IP enabled device to obtain IP services available within the access provider network

independent of the ISP [*see* Akhtar; *column 21, lines 5-28*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 12 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 12** is rejected.

Regarding **claim 13**, the combination Schmuelling - Akhtar teaches the method of claim 12, wherein the first IP address is generated at an IP aware e-center and the second IP address is generated at a network access[*see* Akhtar; *column 21, lines 5-28*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 13 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 13** is rejected.

Regarding **claim 14**, the combination Schmuelling - Akhtar teaches the method of claim 13, wherein the generating the second IP address is accomplished using Network Address Translation (NAT) protocol [*see* Akhtar; *column 19, lines 10-20*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 14 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 14** is rejected.

Regarding **claim 15**, the combination Schmuelling - Akhtar teaches a method for simultaneously enabling a first of a plurality of Internet Protocol (IP) IP enabled devices to obtain P services available only within an access provider network and a second of the plurality of IP enabled devices to obtain IP services available through an Internet Service Provider (ISP) comprising:

generating a first IP address within the access provider network for obtaining IP services available within the access provider network[*see* Schmuelling, *column 5, lines 36-59*];

communicating the first IP address to a network access device in communication with the plurality of IP enabled devices [*see* Schmuelling, *column 1, lines 35-40*];

communicating a second IP address to the network access device. the second IP address allowing IP enabled devices to obtain IP services available through the ISP by way an access provider network [*see* Schmuelling, *column 5, lines 35-59*];

generating third and fourth IP addresses at the network access element. the third IP address allowing IP enabled devices to obtain IP services available within the access provider network. the fourth IP address allowing IP enabled devices to obtain IP services through the ISP by way of the access provider network; and communicating the third EP address to the first IP enabled device. and the fourth IP address to the second IP enabled device [*see* Akhtar*; column 21, lines 5-28*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 15 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 15** is rejected.

Regarding **claim 16**, the combination Schmuelling - Akhtar teaches the method of claim 15, wherein the generating a first IP address step comprises generating the first IP address at host configuration server residing within the access provider network [*see* Schmuelling, *fig. 2, items 128-103; column 4, lines 53-67].* The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 16 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 16** is rejected.

Regarding **claim 17**, the combination Schmuelling - Akhtar teaches the method of claim 15 wherein the third IP address is generated using Network Address Translation (NAT) protocol [*see* Akhtar, *column 19, lines 10-20*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 17 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 17** is rejected.

Regarding **claim 19**, the combination Schmuelling - Akhtar teaches the method of claim 15, wherein the fourth IP address is generated using Network Address Translation (NAT) protocol [*see* Akhtar, *column 19, lines 10-20*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 19 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 19** is rejected.

Regarding **claim 22**, the combination Schmuelling - Akhtar teaches a method for providing Internet Protocol (IP) services to an IP enabled device in communication with an access provider network via a network access device, comprising:

providing a first IP address to the network access device, the first IP address for use by the network access device to communicate with a first plurality of IP service devices through an Internet service provider (ISP), the ISP being in communication with the access network [see Schmuelling; *fig. 3; column 3, lines 35-65*];

providing a second IP address to the network access device, the second IP address for use by the network ' access device to communicate with a second plurality of IP service devices in the access provider network [see Schmuelling; *column 5, lines 36-65*];

providing a third IP address to the IP enabled device, the third IP address for use by the IP enabled device to communicate with the network access device [see Schmuelling; *column 5, lines 36-65*];

receiving communications from the IP enabled device at the network access device determining whether the communications received at the network access device is addressed to one of the second IP service devices; and forwarding the communications to the one of the second IP service devices with the second IP address ms a return address if the determining step is positive [*see Akhtar; column 38-67*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 22 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 22** is rejected.

Regarding **claim 23**, the combination Schmuelling - Akhtar teaches the method of claim 22 wherein the providing a second IP address step comprises leasing the second IP address to the network access device using Dynamic Host Configuration Protocol (DHCP) [*see* Schmuelling, *fig. 2, items 128-103; column 4, lines 53-67].* The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 23 [*see* Schmuelling, *column 1, lines 35-40*]. By this rationale **claim 23** is rejected.

Regarding **claim 24**, the combination Schmuelling - Akhtar teaches the method of claim 22 wherein the providing a second IP address step comprises leasing the second IP address to the network access device using Remote Authentication Dial In Server (RADIUS) protocol [*see* Akhtar, *column 26, lines 32-45*]. The same motivation

that was utilized in the combination of claim 1, applies equally as well to claim 24 [*see* Schmuelling, , *column 1, lines 35-40*]. By this rationale **claim 24** is rejected.

Regarding **claim 26**, the combination Schmuelling - Akhtar teaches the method of claim 22 further comprising the step of forwarding the communications received at the network access device to the ISP with the first IP address as the return address if the determining step is negative [*see* Akhtar, *column 26, lines 32-45; column 22; lines 11-44*]. The same motivation that was utilized in the combination of claim 1, applies equally as well to claim 26 [*see* Schmuelling, , *column 1, lines 35-40*]. By this rationale **claim 26** is rejected.

5. Claims 20-21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhtar U.S. *Patent No.* 6,769,000 B1 in view of Giniger et al (Giniger) U.S. *Patent No.* 6,751,729 B1)

Regarding **claim 20**, the combination Akhtar teaches a system for establishing a plurality of simultaneous Internet Protocol (IP) IP service sessions over a single connection to an access provider network, comprising:

a plurality of IP enabled devices in communication with an access gateway [*see Akhtar, column 10, lines 45-67; fig. 4A-B, items 420, 433-434*]; and

an ingress communications element within the access provider network in communication with the access gateway [*see* Akhtar, *column 32, lines 54-64*];

However, Akhtar is silent on providing the access gateway and ingress communications element adapted to recognize and redirect data based on the presence

of multiple instances of point-to-point (PPP) frames being sent to and from the IP enabled devices simultaneously by way of the access Gateway.

In the same field of endeavor, Giniger et al teach a Point-to-Point Tunneling Protocol that encrypts data layer PPP frames and transmits them across the network simultaneously with an IP header to the encrypted PPP frames and routers [*see Giniger et al, column 1, lines 51-61*]. Giniger et al further disclose IP packets that use relay agents to redirect to request of broadcast packets routers [*see Giniger et al, column 11, lines 38-46*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time of the invention to have incorporated *Giniger et al's teachings of recognition and redirection of PPP frames with the teachings of Akhtar* for the purpose of providing "a mobility architecture framework by which the various types of networks and access thereto may converge into a unified homogeneous network that will carry multiple types of traffic and permit access to the network..... "as stated by Akhtar in lines 47-52 of column 1. y this rationale **claim 20** is rejected.

Regarding **claim 21**, the combination Akhtar-Giniger teaches the system of claim 20 wherein the access gateway and ingress communications elements < is further adapted to recognize and redirect data based on the presence of at least one instance of P packets being transmitted to and from at least one of the IP enabled devices by way of the access gateway[*see* Akhtar, *column 19, lines 10-20*]. The same motivation that was utilized in the combination of claim 20, applies equally as well to claim 21 [*see* Akhtar, *column 1,* lines 47-52]. By this rationale **claim 21** is rejected.

Regarding **claim 25**, the combination Akhtar - Giniger teaches the method of claim 20 wherein the providing a third IP address comprises generating a third IP address at the network access device using Network Address Translation (NAT) protocol and sending the third IP address to the IP enabled device [*see* Akhtar, *column 19, lines 10-20*]. The same motivation that was utilized in the combination of claim 20, applies equally as well to claim 25 [*see* Akhtar, *column 1,* lines 47-52]. By this rationale **claim 25** is rejected.

Response to Arguments

6. Applicant's Request for Reconsideration filed on November 16th, 2004 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. The Examiner provides no basis for any one of the ordinary skill in the art at the time of the invention to be motivated to select and combine Salkewicz and Borella with respect to independent claims 1, 12, and 15

B. Applicant contends that the combination of Salkewicz and Giniger fails to render independent claim 20 obvious.

7. As to "Point A" , it is the Examiner's position that because new ground of rejection has been adopted, necessitated by applicant's substantial amendment of all

independent claims [see rejection of claims 1, 12, 15, 22, and 26 above]. New patent by Akhtar and Schmuelling have been used to reject those claims.

8. As to "Point B", it is the Examiner's position that because new ground of rejection has been adopted, necessitated by applicant's substantial amendment of all claim 20 [see rejection of claims 20, 21 and 25 above]. New patent by Akhtar is used in combination with Akhtar for new rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER

JJG

June 16, 2005